

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A43-04241
Date Received: 5/16/1989
Receipt No: S007143
Received By: SCC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERT W. WARD 208-824-5589
Address: BOX 1580
ELBA, ID 83326-0000

OR
Name: NANCY WARD 208-824-5589
Address: BOX 1580
ELBA, ID 83326-0000

2. Date of Priority: MAY 25, 1907

3. Source: WASTE WATER Trib. to: ALMO CREEK
WASTE WATER EDWARDS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
15S	24E	24	SW	SE	NE		CASSIA
			NW	NE	SE		CASSIA

5. Description of diverting works:
CHECK DAM, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.600		

7. Total Quantity Appropriated is:
3.600 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 125.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A43-04241

Page 1

Date: 05/16/89

COPY

MICROFILMED
MAR 04 1993

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
15S	24E	24	SE		NE		IRR	10.0
			NE		SE		IRR	30.0
			SE		SE		IRR	5.0
							Section Acres	45.0
	25E	19	NW		SW		IRR	3.0
			SW		SW		IRR	2.0
							Section Acres	5.0
							Total Acres	50.0

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Robert Ward Date: 16 May 89

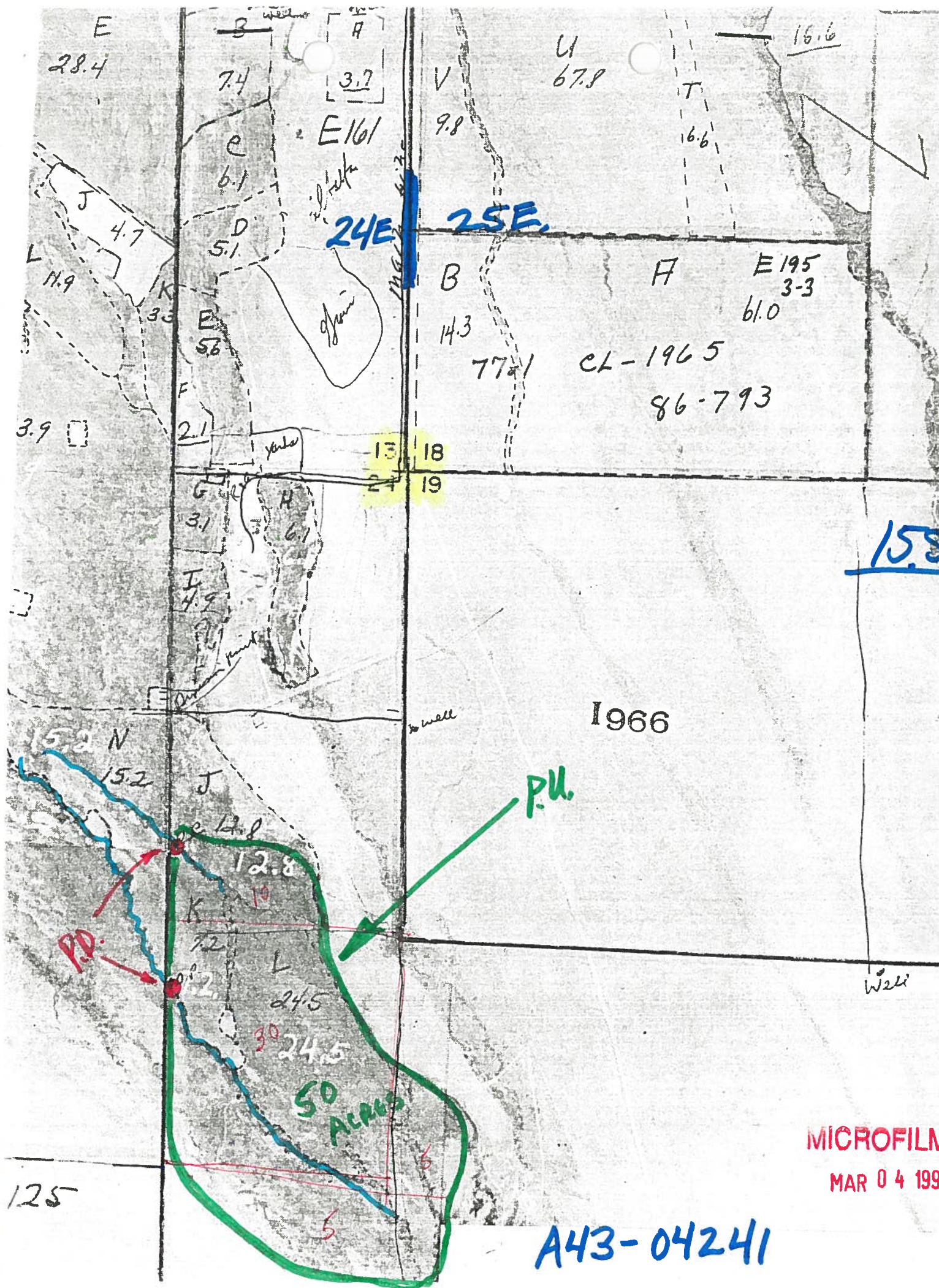
Date: _____

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 16th day
of May 19 89 Steve C. [Signature]
Notary Public

Seal

Residing at Twin Falls
My Commission Expires Dec 7, 1994



MICROFILM

MAR 04 199

A43-04241



State of Idaho
DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3030

CECIL D. ANDRUS
Governor

December 5, 1991

R. KEITH HIGGINSON
Director

A43-04241
ROBERT W. WARD
NANCY WARD
BOX 1580
ELBA

ID 83326-0000

RE: Evidence of Priority

RESPONSE DEADLINE
FEBRUARY 3, 1992

Dear Claimant:

The Notice(s) of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice(s) indicate your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will soon conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, proof must be provided supporting the priority date you have claimed.

The Department will not recommend the Notice(s) be decreed by the court as claimed if no evidence of a priority date is submitted.

Please find enclosed a computer printout of your Notice(s) and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

Please submit the required evidence supporting the priority date(s) by February 3, 1992, referencing all documents with the corresponding Notice number(s). If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

MICROFILMED
MAR 04 1993

Jan 27 - 1992

Robert Ward wish to make
statement regarding the use of
etc on this place that I have
it on for some 34 years, my father
used Send me down to the
dwards place to feed Catth +
once the Water this would be in
late 40's Early 50's December then
he well I was drafted in 1951 in Oct.
then I have used the Water ever since
have ~~not~~ lived here on the place since
56. When I was married.

Dwards place is the property located in 43-4241
Signed Robert Ward

E OF IDAHO

MICROFILMED

ITY OF CASSIA

MAR 04 1993

scribed and sworn to me this 28th day of January,

I Wesley N. Rice wish to
make a statement concerning the
use of water on the Robert Hard
ranch.

I remember going down to
Tommy Edwards' Ranch, one owned by
(Robert Hard now) and turning his
water and doing his chores for him
while he was in the hospital.
This was in the year 1939 when
my younger sister died.
I am 89½ years old.

Wesley Rice

STATE OF IDAHO

COUNTY OF CASSIA

Subscribed and sworn to me this 28th day of January, 1992

Maryanne Jolley

Notary Public

MICROFILMED

MAR 04 1993

To Whom This MAY CONCERN.
I THOM WARD HELPED
WESLEY WARD DO SOME DITCHING
TO IRRIGATE ON THE TOMMY EDWARD
PLACE IN THE SPRING OF 1942
and 1943.

Thom Ward
Almo Idaho

STATE OF IDAHO

COUNTY OF CASSIA

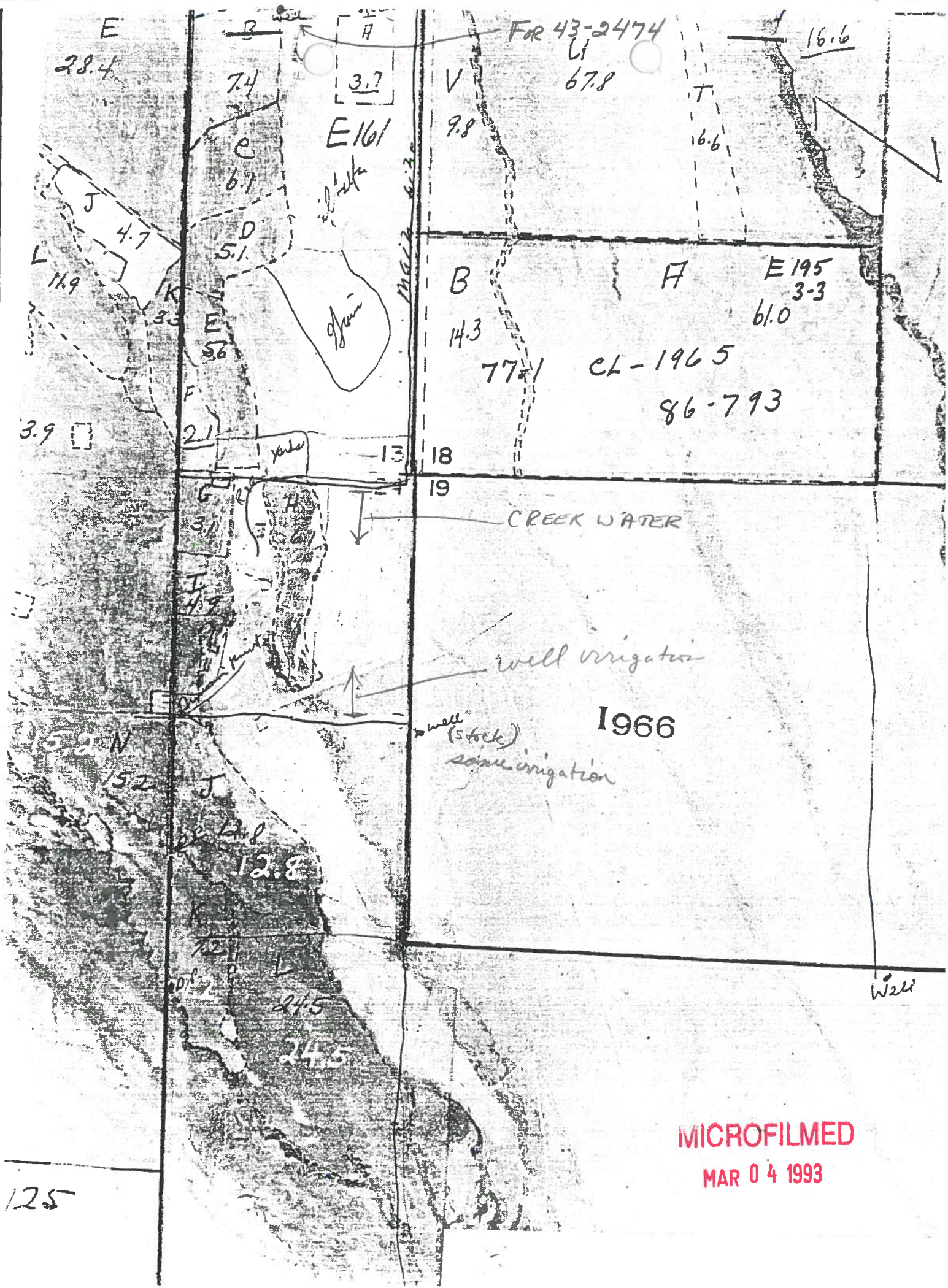
Subscribed and sworn to me this 28th day of January,
1992..

Marijane Jolley
Notary Public

MICROFILMED

MAR 04 1993

For A43- 4241 —
Claimant will accept a 1939
priority date. KKC
One copy of Map to claim
A 43-2474



MICROFILMED

MAR 04 1993

RECEIVED

JUL 12 2002

Department of Water Resources
Southern Region

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

Subcase 43-4241
(Insert Water Right Number)

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

Date: _____

Robert Wain
Claimant

Chris Hancock
IDWR Concurrence

Stan Ward
Objector

Attorney for IDWR

RECEIVED

JUL 12 2007

Idaho Department of Water Resources
Southern Region

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-4241
NAME AND ADDRESS: NANCY WARD
BOX 1580
ELBA ID 83326

ROBERT W WARD
PO BOX 1580
ELBA ID 83326

SOURCE: WASTE WATER TRIBUTARY: ALMO CREEK
WASTE WATER TRIBUTARY: EDWARDS CREEK

QUANTITY: 1.00 CFS

PRIORITY DATE: ~~04/01/1939~~ 05/25/1907

POINT OF DIVERSION:

T15S R24E S24 SWSENE Within CASSIA County

T15S R24E S24 NWNENE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	1.000 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T15S R24E S24	SENE	7.1	T15S R24E S24	NESE	34.0
T15S R24E S24	SESE	5.0	T15S R25E S19 Lot 3	NWSW	1.5
T15S R25E S19 Lot 4	SWSW	1.9			

49.5 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 43D.
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: Beneficial Use

THE SOURCE OF THIS RIGHT IS WASTE WATER ORIGINALLY DIVERTED PURSUANT TO RIGHT NO. 43-381 AND 43-382.
THIS RIGHT REMAINS SUBJECT TO THE RIGHT OF THE ORIGINAL APPROPRIATOR, IN GOOD FAITH AND IN COMPLIANCE WITH STATE LAWS GOVERNING CHANGES IN USE AND/OR EXPANSION OF WATER RIGHTS, TO CEASE WASTING WATER, TO CHANGE THE PLACE OR MANNER OF WASTING IT, OR TO RECAPTURE IT.
THIS RIGHT IS SUBJECT TO ADMINISTRATION AS PART OF THE NATURAL SOURCE TO WHICH THE WASTE IS TRIBUTARY.

Hancock, Vikie

To: McHugh, Candice
Subject: RE: Steve Ward

I reveived the Steve Ward exhibits, thanks. It looks plausible to me that runoff from irrigation to the west would have been used in 1907 per the patent since irrigation on the lands to the west had existed since 1880. I'll get in contact with Steve and get an SF5 in motion.

Have a good 4th Candice.
Vikie

-----Original Message-----

From: McHugh, Candice
Sent: Wednesday, July 03, 2002 11:37 AM
To: Hancock, Vikie
Subject: Steve Ward

Vikie,

These are the documents that I had requested be faxed to you on June 12.

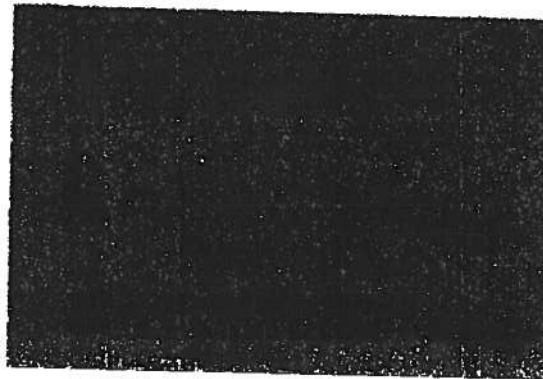
-----Original Message-----

From: Smith, Danni
Sent: Wednesday, July 03, 2002 11:36 AM
To: Hancock, Vikie
Cc: McHugh, Candice
Subject:

May 23, 2002

Candice McHugh
1301 N Overland Street
Boise, ID 83706

RE: Water Right #43-4241



Dear Ms. McHugh :

I am offering evidence to you and asking for a change in my 1939 priority date to 1907 for my water right #43-4241.

The place under discussion, now owned by Robert Ward, was homesteaded in 1907 by Tommy Edwards.

I have a copy of the Jobe Adams decree that concerns Almo and Edwards Creek. The property next to this property under discussion and up stream, now owned by Gary Jones, is covered by decreed Rights #43-381 and #43-382 priority 04-01-1880. This water source was the only way to get water at the time Tommy Edwards took possession of the land in 1907 (the land under discussion). One could logically extrapolate that he irrigated that meadow land for harvesting or grazing when he homesteaded the property.

What I am attempting to show is that as soon as someone occupied the land below and to the side of the land being irrigated, they would manage and control the water coming down from the natural run-off of the higher property.

Sincerely,

Steven R. Ward

SRW/pjr

RECEIVED
JUN 10 2002
Department of Water Resources

U. S. Patent Record—Homestead

UNITED STATES PATENT

TO

Thomas A. Edwards,

The United States of America

To all to Whom these Presents shall come, Greeting:

Homestead Certificate No. *1393*
APPLICATION *2175*

Whereas, There has been de-

posited in the General Land Office of the United States a Certificate of the Register of the Land Office at *Hailey, Idaho,* whereby it appears

that, pursuant to the Act of Congress approved 20th May, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the Acts supplemental thereto, the claim of *Thomas A. Edwards,*

has been established and duly consummated, in conformity to law for the *East half of the North East quarter*

and the East half of the South East quarter of Section twenty four Township fifteen South of range twenty four East of Boise Meridian in Idaho.
Containing one hundred and eighty acres,

according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General,

Now Know Ye, That there is, therefore, granted by the UNITED STATES unto the said *Thomas A. Edwards*

the tract of land above described:

To Have and to Hold the said tract of land with the appurtenances thereof, unto the said

Thomas A. Edwards and to *his* heirs and assigns forever, subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws, and decisions of Courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law.

In Testimony Whereof, I *Theodore Roosevelt* President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the *29th* day of *April*, in the year of our Lord, one thousand

and one, and of the Independence of the United States the one hundred and *thirty first*

By the President: *T. Roosevelt*

By *P. M. M. Kean* Secretary

H. H. Swinford Recorder of the General Land Office



Miscellaneous
Recorded, Vol. *603* Page *296*

STATE OF IDAHO,
County of Cassia ss.

I hereby certify that this instrument was recorded at the request of

Thomas A. Edwards at *3* o'clock *P.* M., this *30* day of *April* A. D. 19*10*

Recorder

A P TION OF

ALBION-IDAHO LAND COMPANY

-vs-

JOBE ADAMS, et al

DECREE #892

10-18-1928

30

Chas. Van Kirk
1880-Apr. 30

1.3 s.f.
.5 s.f.

To be diverted from Green Canyon Creek Waters of Antelope Springs, for the irrigation of a tract of land commencing at the NE corner of the Southeast Quarter of Sec. 6, Twp. 14 S. R. 25 E.B.M., thence South 14 rods for a place of beginning, thence South 306 rods, thence West 80 rods, thence North 306 rods, thence East 80 rods to place of beginning, except road rights of way.

F. C. Vosburg
1921-June 18

1.4 s.f.

To be diverted from Cassia Creek for the irrigation of S $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 23, Twp. 13 S. R. 28 E.B.M.

ALMO CREEK.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That Almo Creek and its tributaries, viz., Sythe Creek, Edwards Creek, Stine Creek, Blacksmith Fork Creek and Grape Creek, do not contribute to the supply of the water users out of Raft River and its tributaries in the irrigation of the land, and that said Almo Creek hereby is set apart as a separate water district and that the users of water from Raft River and its tributaries have no interest whatever in the use of the waters of Almo Creek and the distribution of the same; that the use of the waters of Almo Creek in accordance with the priorities hereinafter decreed, or otherwise shall not be considered as a violation of the injunctive provisions of this decree so far as the users of water from Raft River and its tributaries are concerned.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That the various parties hereinafter named be, and hereby are, awarded and decreed for use in the irrigation of their lands the following and various amounts of water hereby specifically mentioned with the priorities as hereinafter specified and set out for the irrigation of their particular tracts of land hereinafter described, to-wit:

Henry D. Belnap
1879-Apr. 15

1.8 s.f.

To be diverted from South Almo Creek for the irrigation of SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9, SE $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 8, Twp. 15 S. R. 24 E.B.

Henry R. Cahoon
1879-Apr. 30

2 s.f.

To be diverted from South Almo Creek for the irrigation of E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, Twp. 15 S. R. 24 E.B.M.

Ida Jones Cahoon
1880-Apr. 1

1.2 s.f.

To be diverted from North Almo Creek for the irrigation of the following: Beginning at the NE corner of NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13, thence West 240 rods, thence South 53 rods 5 $\frac{1}{2}$ feet, thence East 240 rods, thence North 53 rods 5 $\frac{1}{2}$ feet, to place of beginning, containing 80 acres

Ida Jones Cahoon
1910-June 20

2.5 s.f.

To be diverted from North Almo Creek for the irrigation of NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 12, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 13, Twp. 15 S. R. 24 E.B.M.

Helen Edwards
1879-Mar. 17

1.6 s.f.

To be diverted from North Almo Creek for the irrigation of SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 13, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 14, Twp. 15 S. R. 24 E.B.M.

1879-Mar. 17

1.6 s.f.

To be diverted from Edwards Creek. This right is supplemental and not in

addition to the above right, for the irrigation of the land above described.

Jesse Jones
1880-Apr. 1

1.2 s.f.

To be diverted from North Almo Creek for the irrigation of SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, Twp. 15 S. R. 24 E.B.M., South 1/3 NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, Twp. 15 S. R. 24 E.B.M. South 1/3 NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13 Twp. 15 S. R. 24 E.B.M., South 1/3 NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, Twp. 15 S. R. 24 E.B.M.

1910-June 20

1.5 s.f.

To be diverted from North Almo Creek for the irrigation of SE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 14, Twp. 15 S. R. 24 E.B.M., NE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 14, Twp. 15 S. R. 24 E.B.M.

William Jones
Mary Ann Jones
1880-Apr. 1

7 s.f.

To be diverted from North Almo Creek for the irrigation of NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 1 NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 24, Twp. 15 S. R. 24 E.B.M. SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 24 Twp. 15 S. R. 24 E.B.M. SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13 NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23, W $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 24, Twp. 15 S. R. 24 E.B.M.

1880-Apr. 1

7 s.f.

To be diverted from Edwards Creek for the irrigation of the above described land.

William Shangles
1879-Apr. 30
1884-Apr. 30
1885-Apr. 30

1 s.f.
.8 s.f.
1 s.f.

To be diverted from South Almo Creek, for the irrigation of E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 30, N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 32, Twp. 15 S. R. 24 E.B.M.

Almo Water Company,
a corporation.

M. B. Durfee right
1878-Apr. 30

4 s.f.

To be diverted from Main Almo Creek for the irrigation of E $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 2 SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 23, Twp. 15 S. R. 24 E.B.M.

H. R. Cahoon right
1879-Apr. 30

2 s.f.

E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 22, Twp. 15 S. R. 24 E.B.M.

H. D. Durfee, Jr. right
1879-Apr. 30

2 s.f.

SW $\frac{1}{4}$, Sec. 15, Twp. 15 S. R. 24 E.B.M.

H. D. Durfee, Sr. right
1879-Apr. 30

2 s.f.

NE $\frac{1}{4}$, Sec. 16, Twp. 15 S. R. 24 E.B.M.

Wm. E. Johnston right
1879-Apr. 15

1.9 s.f.

SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 9 and SE $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 8, Twp. 15 S. R. 24 E.B.M.

Thomas O. King right
1880-Apr. 20

2 s.f.

SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 20, Twp. 15 S. R. 24 E.B.M.

Jacob Paden right
1880-Apr. 30
1883-Apr. 30

2 s.f.

NW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 26, S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 23, Twp. 15 S. R. 24 E.B.M.

James T. Taylor right
1880-May 1
1883-May 1

1.6 s.f.

N $\frac{1}{2}$, Sec. 15, Twp. 15 S. R. 24 E.B.M.

Gary Jones Property

43-381

43-382

(Gary Jones Inc)
Helen Edwards

① Old Reeds Court House
② Taxes
05/11/2001

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: [REDACTED]

NAME AND ADDRESS: NANCY WARD
BOX 1580
ELBA ID 83326

ROBERT W WARD
PO BOX 1580
ELBA ID 83326

Chas Edwards &
Almo not
Valmo

SOURCE: WASTEWATER
WASTEWATER

TRIBUTARY: ALMO CREEK
TRIBUTARY: EDWARDS CREEK

QUANTITY: 1.000 CFS 50 in

PRIORITY DATE: 04/01/1939

POINT OF DIVERSION: 1928
1935
T15S R24E S24 SWSNE Within CASSIA County
T15S R24E S24 NWNESE Within CASSIA County

← 1907

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	1.000 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County

T15S R24E S24	(SENE)	7.1	T15S R24E S24	(NESE)	34.0
T15S R24E S24	(SESE)	5.0	T15S R25E S19 Lot 3 NWSW		1.5
T15S R25E S19 Lot 4 SWSW		1.9			

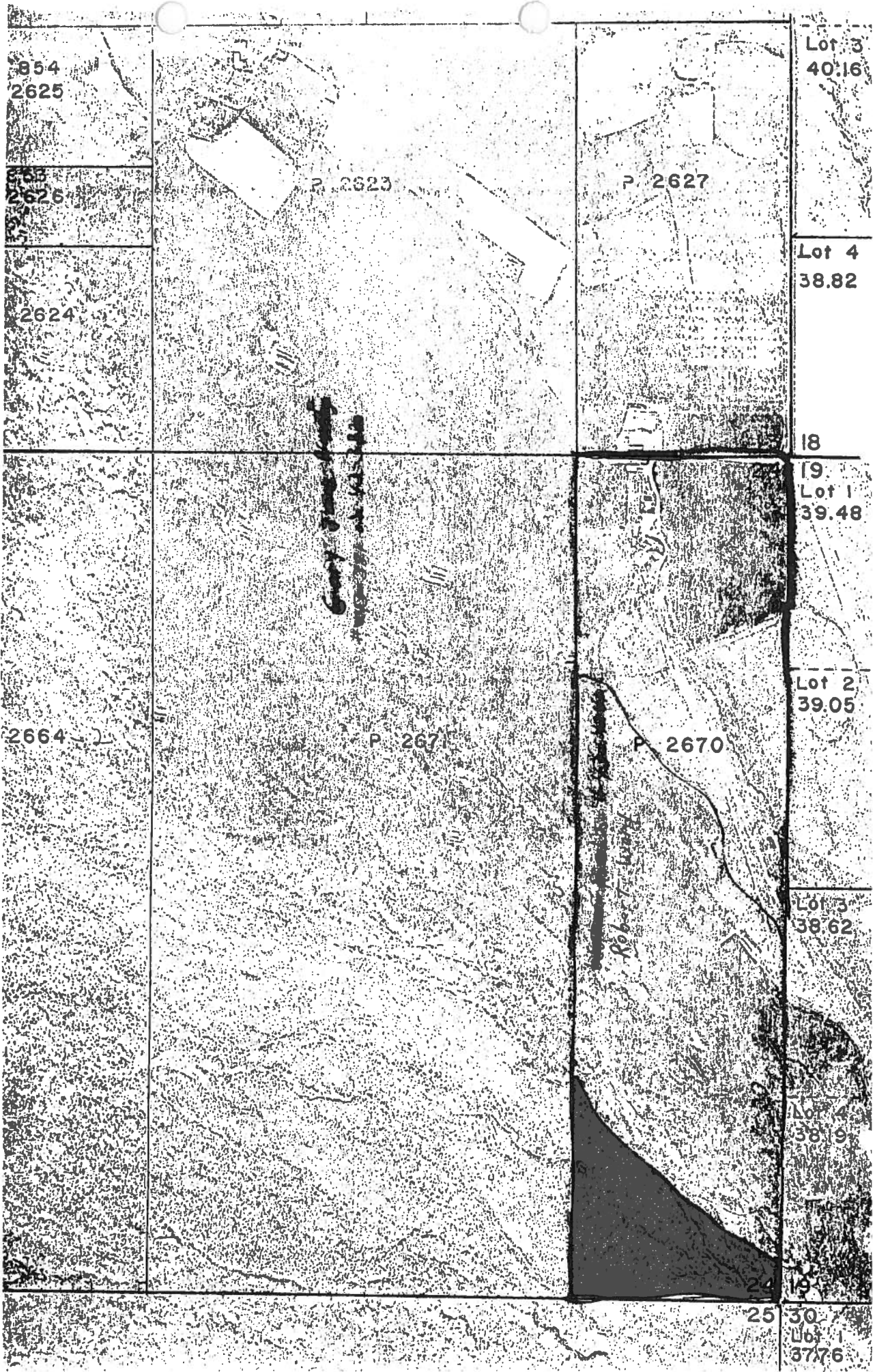
49.5 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 43D.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

THIS RIGHT REMAINS SUBJECT TO THE RIGHT OF THE ORIGINAL APPROPRIATOR, IN GOOD FAITH AND IN COMPLIANCE WITH STATE LAWS GOVERNING CHANGES IN USE AND/OR EXPANSION OF WATER RIGHTS, TO CEASE WASTING WATER, TO CHANGE THE PLACE OR MANNER OF WASTING IT, OR TO RECAPTURE IT. THIS RIGHT IS SUBJECT TO ADMINISTRATION AS PART OF THE NATURAL SOURCE TO WHICH THE WASTE IS TRIBUTARY.
THE SOURCE OF THIS RIGHT IS WASTE WATER ORIGINALLY DIVERTED PURSUANT TO RIGHT NO. 43-381 AND 43-382.



854
2625

2626

2624

2664

P 2623

P 2627

P 2671

P 2670

Lot 3
40.16

Lot 4
38.82

18
19
Lot 1
39.48

Lot 2
39.05

Lot 3
38.62

Lot 4
38.19

25
30
Lot 1
37.6

RECEIVED

MAY 24 2002

Department of Water Resources

2002 MAY 23 PM 3: 03

DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

In Re SRBA

Case No. 39576

)

) **Subcase(s): 43-04241**

)

) **ORDER GRANTING MOTION TO FILE**

) **LATE OBJECTION**

On March 21, 2002, Steven R. Ward, son of claimants Robert and Nancy Ward, filed a *Motion to File Late Objection* in subcase 43-04241. Mr. Ward said he recently found documents supporting his parents' claimed priority date of May 25, 1907. IDWR recommended a priority date of April 1, 1939.

A hearing on the *Motion* was held by telephone on May 23, 2002. Steven R. Ward appeared *pro se* and Candice M. McHugh appeared for IDWR. Mr. Ward said he will soon mail the documents to IDWR for their consideration.

THEREFORE, IT IS ORDERED that the Wards' *Motion to File Late Objection* is granted.

DATED May 23, 2002.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the **ORDER GRANTING MOTION TO FILE LATE OBJECTION** was mailed on May 23, 2002, with sufficient first-class postage to the following:

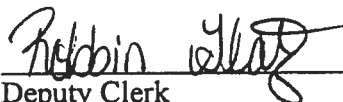
Nancy Ward
Robert Ward
PO Box 1580
Elba, ID 83326

Steve Ward
PO Box 1590
Malta, ID 83342

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449


Deputy Clerk

✓H
RECEIVED

MAR 21 2002

Department of Water Resources

RECEIVED

MAR 25 2002

Department of Water Resources
Southern Region

March 18, 2002

To: Snake River Basin Ajudication (SRBA)

From: Steven R Ward (son of Robert W Ward)

I would like to request permission from the Court to grant me a motion to file a late objection.
Our water right number is #43-4241.

The reason for the late objection is due to the lack of documentation. I recently found documents stating the date our place was homesteaded supporting evidence of a possible earlier water right. Thank you in advance. I look forward to presenting my evidence.

Sincerely,

A handwritten signature in black ink, appearing to read "SRW Ward", written over a horizontal line.

Steven R Ward

SRW/pjr

Enclosures

RECEIVED

MAR 25 2002

Department of Water Resources
Southern Region

INSTRUCTIONS FOR FILING
OBJECTIONS TO WATER RIGHTS IN THE
SNAKE RIVER BASIN ADJUDICATION

RECEIVED

MAR 21 2002

Department of Water Resources

The attached form is for your use if you file an objection to a water right. You may copy or reproduce this blank form.

To object to more than one water right, you must use a **separate form for each objection** and there must be **only one objector** for each form.

Your objection must be **received** by the court on or before the deadline specified in the notice that the Idaho Department of Water Resources mailed to you. If you are filing 25 or more objections you must contact the Clerk of the SRBA court at least 14 days before the filing deadline and arrange an appointment for filing.

You may attach any explanation or documentation that you feel is necessary to support your objection.

INSTRUCTIONS FOR COMPLETING THE OBJECTION FORM

- A. **Subcase.** Fill in the water right number to which you are objecting at the top of the form in the blank following "Subcase." The water right number will become the Subcase Number.
- B. **Name and Address of Person Objecting.** Enter your name, address and daytime telephone in the blanks provided.
- C. **Claimant of Water Right As Listed in Director's Report.** Fill in the claimant/owner blank of the water right to which you are objecting as it is listed in the Director's Report.
- D. **Elements of the Water Right.** If you disagree with one or more of the elements in the Director's Report, check the appropriate box(es) and write in the space provided what you think the element "should be." If you are objecting because you do not think a water right should exist or because a water right was not recommended and should be recommended, mark the appropriate box under No. 11 and explain your reason in paragraph E.
- E. **Reasons supporting objection.** State the reason supporting your objection(s).
- F. **Verification.** You must sign the Objection form in front of a notary. By filing this objection form, you are certifying that the objection is well-grounded in fact; that it is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and that it is not filed for any improper purpose, such as to harass, cause unnecessary delay or needlessly increase the cost of litigation.
- G. **Certificate of Mailing.** Fill in the appropriate blanks for the date and the owner of the water right, and sign the form. Remember that the original copy of this Objection must be mailed to the Clerk of the SRBA District Court with copies mailed to the parties listed in this section.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Case No. 39576)

A. Subcase 43-4241
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Steve Ward

Address: Box 1590 Malta ID, 83342

Daytime Phone: 208-436-1111

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Robert Ward

Address: Box 1580 Elba ID 83326

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☒ **Priority Date**
Should be: May 25 1907
5. ☐ **Point(s) of Diversion**
Should be: _____
6. ☐ **Instream Flow Description**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☐ **Place of Use**
Should be: _____

11. I object because:

- ☐ This water right should not exist.
- ☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): I found the
documents telling us when our place was
homesteaded and when the water was being used.

F.

VERIFICATION (Must be Completed)

State of Idaho)
) ss.
County of Minidoka)

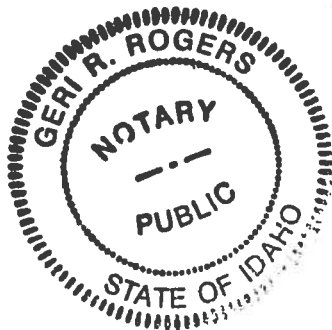
Steven Ward, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Steven Ward
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: March 19, 2002



Geri R Rogers
Notary Public for State of Idaho
Residing at: Rupert, Idaho
My Commission Expires: 4/27/06

INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on 3-19-2002, 199__, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

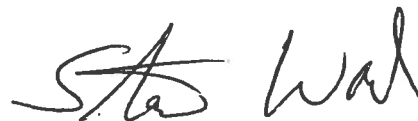
Name: Robert Ward
Address: Box 1580
ELBA ID 83326

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

Sent copy of
Almo & Edwards
creek portion of
John Adams
showing use of
Rights 43-381 & 43-382
as early as 1880.
These decrees are the
source of the
wastewater used
& claimed under
43-4241

124 3-11-2002

COMMUNICATION DOCUMENTATION

From: Vikie Hancock

February 25, 2002

Regarding:

Customer:

43-4241

Steve Ward for Robert Ward

Steve Ward, son of claimant Robert Ward, called this date to inquire about filing a claim on wastewater from Gary Jones place. He was concerned that they had not filed a claim and had become aware that Clark Ward and Bill Jones had filed on water downstream of his fathers place. He is concerned that those claims may jeopardize his right to use the waste water.

I told him that 43-4241 had been filed and recommended on waste water and he looked at his copy of the claim. He asked about the priority dates on Clark Ward and Bill Jones' claims and I told him. He asked if that would affect his right to use the water as his father's priority date was junior to Clark Wards and Jones. I said that it was possible.

We discussed his options as to filing a late objection to Clark Wards or to filing a late objection to his father's claim and see if he could find evidence of an earlier priority for beneficial use. I told him that I would send him copies of the downstream claims and of the affidavits his father had sent in to prove beneficial use. I suggested some places that he may be able to get historical information if the court grants his motion to file a late claim, such as ASCS photos, old deeds that mention water use, homestead patents, tax records that may list the number of irrigated acres, etc.

I also mentioned to him that separate recorded legal agreements between parties outside of IDWR jurisdiction were also a possibility, so that he may want to discuss his concerns with Clark Ward, also.

See copy of letter in file sent to him this date.

Son:

Steve Ward

Box 1590

Maui

83342



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 25, 2002

Steve Ward
PO Box 1590
Malta, Idaho 83342

RE: Snake River Basin Adjudication (SRBA)
Possible Late Objection, Basin 43

Dear Mr. Ward:

As you requested during our phone conversation today, enclosed are copies of water right recommendations 43-419 for Clark Ward, and 43-10356 for William Jones. Also, there are copies of the affidavits that were submitted by your father to substantiate the priority date of your claim 43-4241.

The SRBA Court does not have a specific form for motioning the Court to file a late objection. Submitting a letter of explanation of your reason for not filing an objection before the deadline, along with the SF1 Objection form which I have enclosed, *may* be an accepted option. I encourage you to contact the SRBA Court in Twin Falls at 736-3011 for further advice on the procedure for filing a late objection.

If I can provide any additional information about my recommendations, don't hesitate to contact me.

Sincerely,

Vikie Hancock
Sr. Water Resource Agent
Southern Adjudication Unit

01/03/2001

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 43-4241

NAME AND ADDRESS: NANCY WARD
ROBERT W WARD
BOX 1580
ELBA, ID 83326

SOURCE: WASTEWATER TRIBUTARY: ALMO CREEK
WASTEWATER EDWARDS CREEK

QUANTITY: 1 CFS

PRIORITY DATE: 04/01/1939

POINT OF DIVERSION: T15S R24E S24 SWSENE Within CASSIA County
T15S R24E S24 NWNESE Within CASSIA County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04-01 10-31	1.00 CFS

PLACE OF USE:

IRRIGATION Within CASSIA County			
T15S R24E S24	SENE	7.1	T15S R24E S24
T15S R24E S24	SESE	5	T15S R25E S19 LOT 3
T15S R25E S19 LOT 4	SWSW	1.9	NESW 34
			NWSW 1.5

49.5 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT 43D.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

THIS RIGHT REMAINS SUBJECT TO THE RIGHT OF THE ORIGINAL APPROPRIATOR, IN GOOD FAITH AND IN COMPLIANCE WITH STATE LAWS GOVERNING CHANGES IN USE AND/OR EXPANSION OF WATER RIGHTS, TO CEASE WASTING WATER, TO CHANGE THE PLACE OR MANNER OF WASTING IT, OR TO RECAPTURE IT.

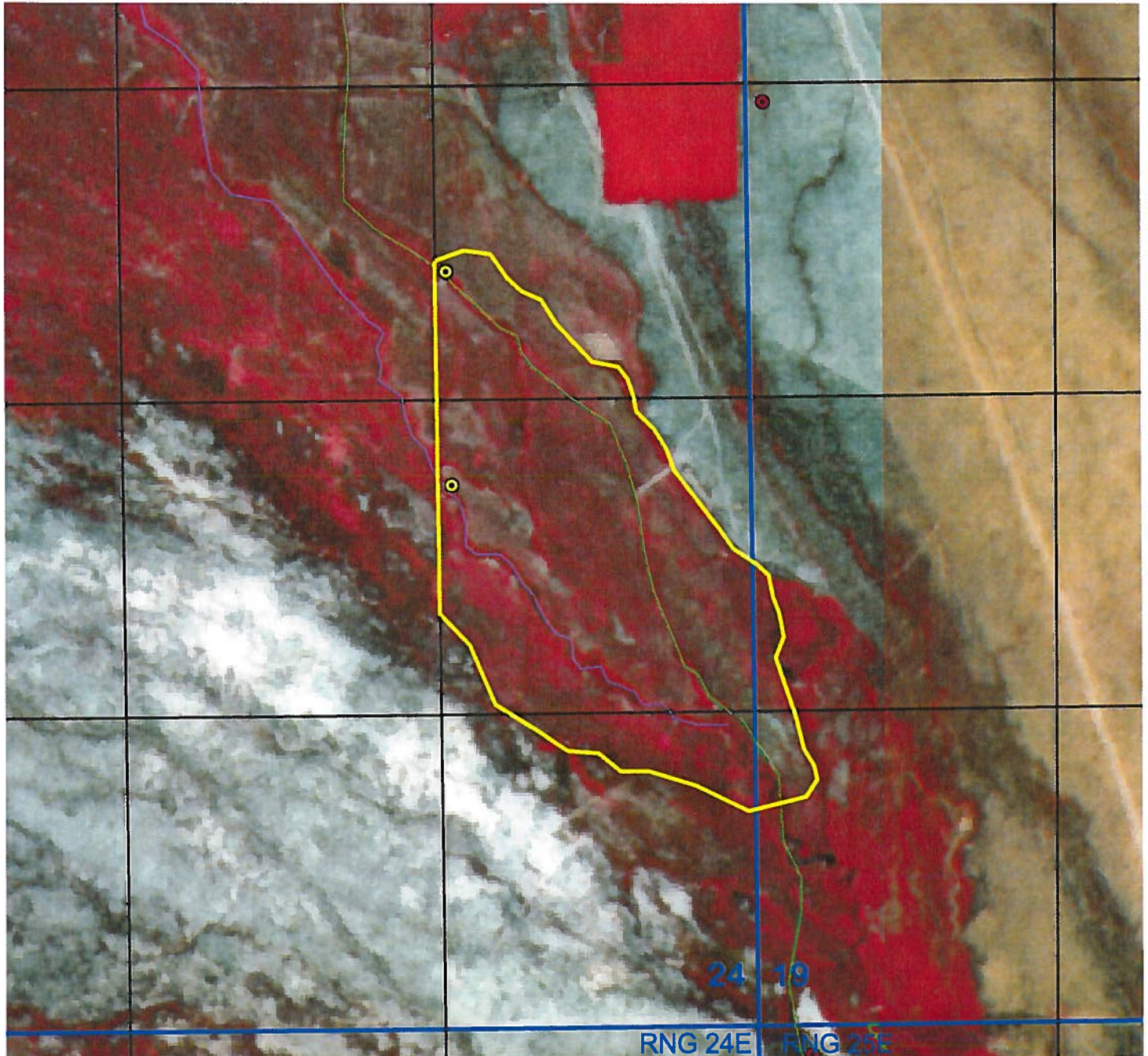
THIS RIGHT IS SUBJECT TO ADMINISTRATION AS PART OF THE NATURAL SOURCE TO WHICH THE WASTE IS TRIBUTARY.

THE SOURCE OF THIS RIGHT IS WASTE WATER ORIGINALLY DIVERTED PURSUANT TO RIGHT NO. 43-381 AND 43-382.

Idaho Department of Water Resources

**WASTE WATER
RIGHT: 43-4241**

**RECOMMENDED PLACE OF USE
TWP 15S, RNG 24E, Sec 24
TWP 15S, RNG 25E, Sec 19
Data entry on November 18, 2000**



-  **RECOMMENDED POINT OF DIVERSION**
-  **RECOMMENDED PLACE OF USE**
-  **SECTION LINES**
-  **QUARTER/QUARTER LINES**



**GIS PLACE OF USE PRESENTATION
1987/1988 NAPP AERIAL PHOTOGRAPHY
DATA ENTRY BY VIKIE HANCOCK**

OWNER
CODE NAME & ADDRESS

C ROBERT W WARD
C NANCY WARD

PRIORITY
DATE

05/25/1907 IRRIGATION

WATER USE

USE PERIOD
FROM TO

04-01 11-01

DIVERSION
RATE

3.60 CFS

DIVERSION
VOLUME

1 cfs

TOTAL DIVERSION: 10-31
CONSUMPTIVE USE: 3.60 CFS
725.00 AFA

Water Source: WASTE WATER

Tributary to: ALMO CREEK
EDWARDS CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion:

T15S R24E S24

SUSENE

MMNESE

CASSIA County

Place of use Legal Description for: IRRIGATION

	NE	NE	SE	SE	
	NE	NE	SE	SE	
T R S	NE	NE	SE	SE	SUM
15S 24E 24	NE	NE	SE	SE	
15S 25E 19	NE	NE	SE	SE	
	10		03	02	30
					05
					45.0
					5.0
					50.0
					TOTAL ACRES

POU County: CASSIA

Other Rights: NONE

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

C-18

Cond
6-01
6-02

6-03
381
382
3829

10-31

10-31

RECOMMENDATION NOTES

From: Vikie Hancock

1/3/01

Regarding: 43-2474 and 43-4241

43-2474 is a claim based upon a 1959 groundwater license for 1.63 cfs on 110 acres. The claimant, Mr. Robert Ward, originally filed this SRBA claim for a total of 60 acres, all in section 13, T15S, R24E. A subsequent conversation with Mr. Ward determined that, although he does not currently irrigate the entire 110 acres licensed, he does periodically irrigate additional acres in Section 24 that were originally included in the license. These acres are apparent in 1987 NAPP aerial photography. Mr. Ward amended his claim to include these acres. He further stated that most of what he has under sprinkler irrigation is in section 13, and that is why he included only those acres in his claim dated May of 1989. By claiming at least 81.5 acres, Mr. Ward would not be subject to any decrease in licensed diversion rate at this time. Note, however, that in our phone conversation of 11-20-2000, Mr. Ward indicated that he may no longer have the capacity to divert the entire licensed right.

43-04241 is a claim on 50 acres for 3.6 cfs of waste water that flows onto Mr. Ward's property from land currently owned by R.O. Jones and Son (Gary Jones). This SRBA claim is based upon a statutory claim filed by Mr. Ward in 1985 for 3.6 cfs on 180 acres. At the time of filing, this claim was protested by R.O. Jones and son.

It is documented that use of wastewater began at least by 1939, possibly as early as 1910. A statutory claim number 43-4019 for wastewater, which was filed in 1970 and overlapped land included in the 1985 stat claim 43-4241, was not claimed in the SRBA. Neither was statutory claim 43-4068 filed in 1977 on the same place of use, and which listed a source of Tater Creek. Both statutory claim 43-4019 for wastewater and 43-4068 on Tater Creek were protested at the time of filing.

It appears from 1987 NAPP aerial photography that the 50 acres claimed is an accurate description of the number of acres irrigated from wastewater. One inch per acre, or 1.0 cfs, would be the allowed diversion rate.

CONVERSATION MEMO

Date: 11-20-2000

Regarding:

43-2474

Customer:

Robert Ward

From: Vikie Hancock

I called Mr. Ward to discuss that I had found irrigated acres that were not covered under any of his AJ claims. This concerned acres (approx 23) in the NENE and SENE Section 24.

Mr. Ward returned my call and we talked about the old license being for 110 acres, and that his claim based upon the license was only for the roughly 60 acres in the E $\frac{1}{2}$ SE $\frac{1}{4}$ of section 13. He said that the acres in section 13 were just about all he consistently irrigated out of the well nowadays, and that was under sprinkler line. I asked if that was because the well did not produce enough water, and he said that was a problem sometimes, and that the re-drilling had not significantly helped.

I told him that it appeared in the 1987 aerial photo that the 25 or so acres in section 24 that were located south of his driveway were pretty well irrigated at that time, and that these acres were included in the original license. He said that, yes, it was flood irrigated whenever it was a good water year. I informed him that he could probably include those acres in his claim if he irrigated them periodically, and was willing to pay another \$1.00 an acre. He said he didn't want to give up his right to irrigate them when he could.

I told him that I would send him an aerial photo layout to look at and an amended claim form to sign if he decided to increase the acres claimed. There was also some discussion of the points of diversion for his waste water claim 43-4241 so I included them as claimed on the layout.

Amended claim and layout sent this date.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

November 20, 2000

Robert and Nancy Ward
Box 1580
Elba, Idaho 83326

RE: Snake River Basin Adjudication (SRBA)
Claim No.: 43-2474

Dear Mr. and Mrs. Ward,

Enclosed please find an aerial photo display that shows the irrigated acreage that was not included in your original claim filing. I calculated the area to be 23 acres. If this looks correct to you, just sign and notarize the form and send it back along with your check for \$23.00.

It also shows the acres and points of diversion that were included on your claim number 43-4241 for wastewater from Almo and Edwards creeks. If there needs to be a third diversion included on your claim, let me know.

Like you said, if you have any questions, just give me a call.

Sincerely,

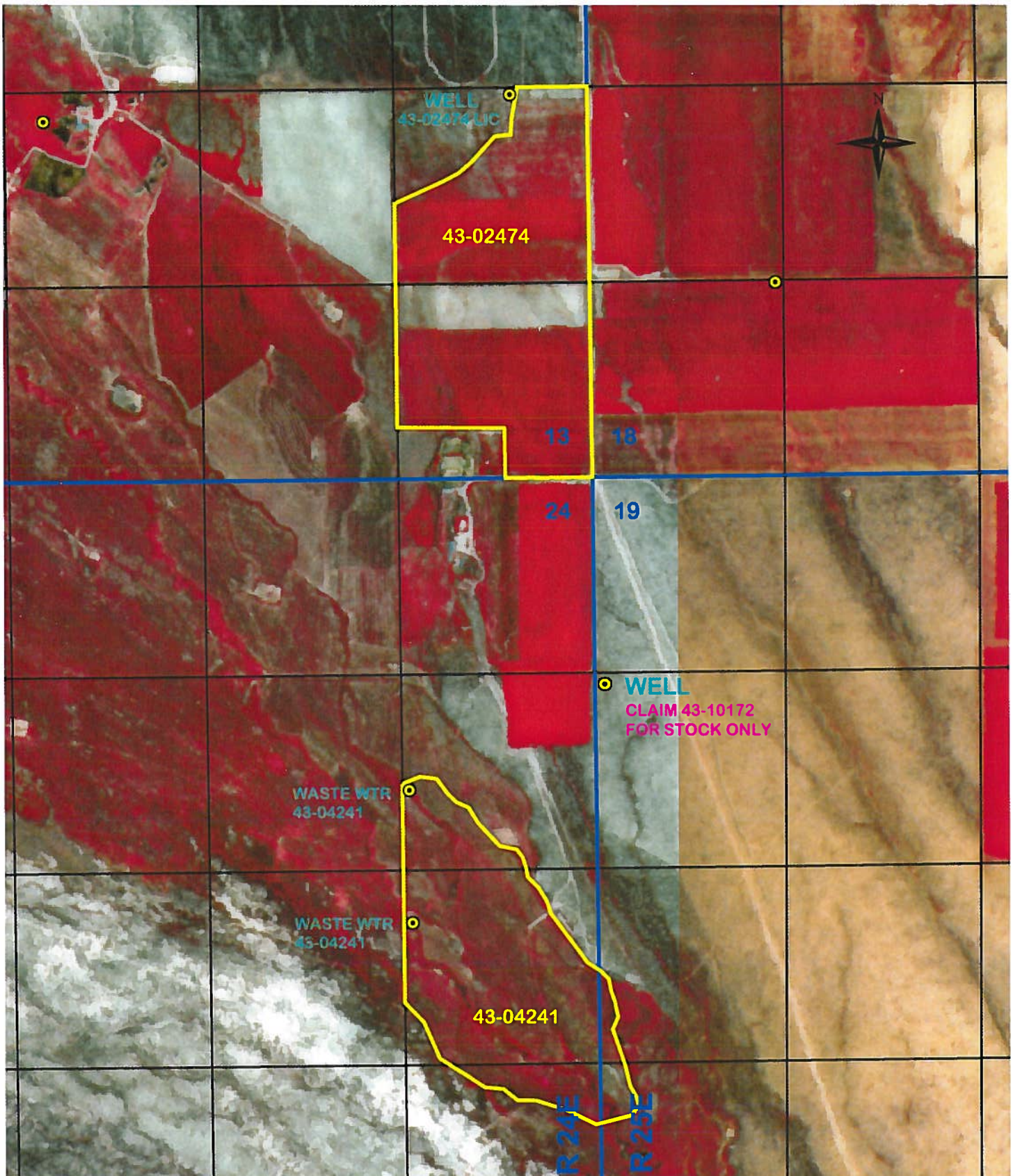
A handwritten signature in cursive script, appearing to read 'Vikie'.

Vikie Hancock
Sr. Water Resource Agent

FIELD NOTES

CLAIM NO(S): A43-04241, 43-02474

TWP 15S ,RNG 24E, SEC 24
TWP 15S, RNG 25E, SEC 19



V HANCOCK

Date: 11-18-2000
AS CLAIMED

1987/1988 NAPP PHOTOGRAPHY

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Robert W. Ward

(Name of Claimant)

Elba, Idaho 83326

(Mailing Address)

Telephone No. 824-5589

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) May 25, 1907

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Waste Water tributary to Edwards Creek & Almo Creek

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

	(cfs, af)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity	<u>3.60 cfs</u>	Use <u>irrigation</u>	Period of Use From <u>Apr. 1</u>	To <u>Nov. 1</u>
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To
Quantity		Use	Period of Use From	To

- (4) 3.60 cfs TOTAL QUANTITY USED.
(cfs, af)

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NE 1/4 NE 1/4, Sec. 24 Twp. 15S Rge. 24E B.M., County of Cassia

Additional points of diversion: SE 1/4 NE 1/4, SE 1/4 SE 1/4, NE 1/4 SE 1/4, Sec. 24; SW 1/4 SW 1/4, Sec. 19, T15S, R25E T. 15S R. 24E

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. check dams & ditches

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
15S	25 E	19											20						20
15S	24 E	24	40			40									40			40	160

No. of acres 180

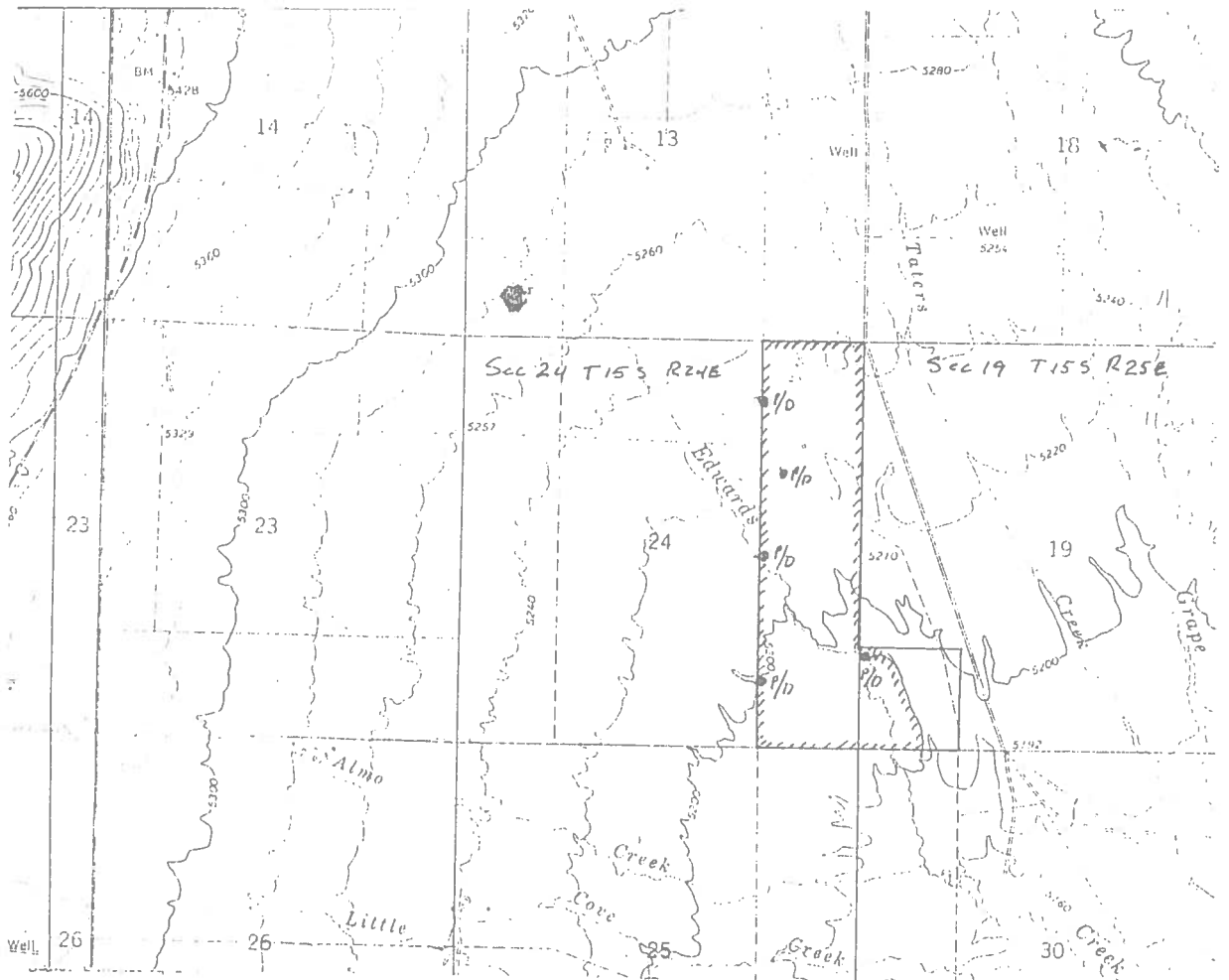
- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization:

43-4241

(8) Remarks _____



Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Twin Falls) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Robert W. Ward
(Claimant)

Sworn to before me this 23 day of October, 19 85.

Loren O. Halverson
Notary Public
Residing at Twin Falls, Idaho 83301

My commission expires life

FOR DEPARTMENT USE ONLY

Received by <u>JK</u>	Date <u>10/23/85</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>JK</u>	Date <u>10-24-85</u>		claimant by:	
<u>\$200</u> fee received by <u>JK</u>	Date <u>10/23/85</u>			
Published in <u>TRUTH</u>				
Dates <u>11/7 & 11/14/85</u>				

WILLIAM A. PARSONS
RICHARD A. SMITH
RANDOLPH C. STONE
WM. KENT FLETCHER

PARSONS, SMITH, STONE & FLETCHER
ATTORNEYS AT LAW
137 WEST 13TH STREET
BURLEY, IDAHO 83318

P. O. BOX 910
TELEPHONE
(208) 678-8382

November 21, 1985
VIA CERTIFIED MAIL W/RETURN RECEIPT REQUESTED P 399 831 577

Director of the
Idaho Department of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Re: Protest of Application Waste Water
Right No. 43-4241
R. O. JONES & SONS, INC.

Gentlemen:

R. O. JONES & SONS, INC., does hereby protest the granting of the application for a waste water right on Edward's Creek and Almo Creek, in the County of Cassia, State of Idaho, which Claim of Right was published in the South Idaho Press on November 7th and 14th, of 1985.

Exception is taken to such application on the basis that a pending application for change of place of use under established water rights will result in a more efficient use of the water and eliminate the waste water upon which application #43-4241 is based. It is further believed the undersigned has the right, as the owner of the priority water rights, to cease wasting so long as it is not injurious to established rights and is applied to beneficial use.

DATED this 21st day of November, 1985.

PARSONS, SMITH, STONE & FLETCHER

Richard K. Smith, Of The Firm
On behalf of R. O. JONES & SONS, INC.

RKS/dmj
cc: Richard O. Jones, President
R. O. JONES & SONS, INC.

RECEIVED

NOV 22 1985

Idaho Department of Water Resources
Twin Falls District Office

DATE: 04/05/99
PAGE: 2

Stage: STATUTORY CLAIM

160.0

MISSING 182 wales -
on 2474 claim

33

Stat Claim Protestd
MO AS claim 4/99

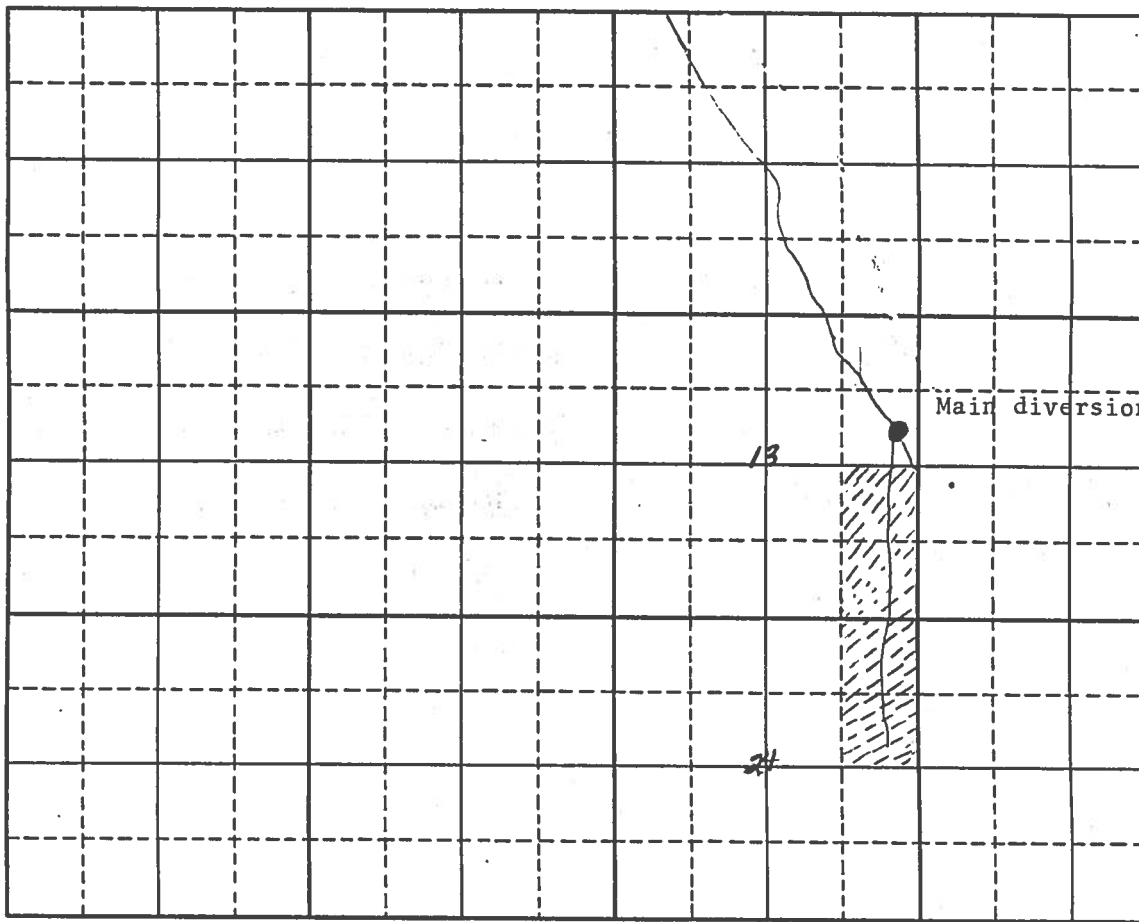
STAT 4068 TATER

RECEIVED

Department of Water Resources
Southern District Office

890h-EH

- (8) Remarks The irrigated portions of Section 13 and Section 24, Township 15 South, Range 24 East, Boise Meridian are cross-hatched. Points of diversion are marked with red ink.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
County of Cassia)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Sworn to before me this 31st day of May

Robert W. Ward
(Claimant)
19 77
Notary Public
Residing at Burley

My commission expires _____

For Department Use Only

Received by Jan Date 7-25-77 Exception filed by: _____
Prelim. check by Jan Date 7-29-77
\$10.00 fee received by Jan Date 7-25-77 6664
Approved for publication by Jan
Published in So. Idaho Press
Dates 8/9 + 8/11/77

Forwarded to claimant by: _____ Date _____
RECEIVED
JUN 29 1977
Department of Water Resources

Claim No. 43-4068

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

CLAIM TO A WATER RIGHT

Notice is hereby given that ROBERT W. WARD
(name of claimant)

of Almo, Idaho, claims a right to the diversion and beneficial use of
(mailing address)

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Tater Creek, the entire flow which is used for irrigation purposes.
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount	<u>3.1 cfs</u>	Use	<u>Irrigation</u>	Period of Use:	From	<u>Feb. 1</u>	To	<u>July 31</u>
Amount	_____	Use	_____	Period of Use:	From	_____	To	_____
Amount	_____	Use	_____	Period of Use:	From	_____	To	_____
	(cfs, gpm or a/f)		(dom., irri., stock, etc.)					(both dates inclusive)

- (3) Total quantity of water claimed: 3.1 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.
- (4) Priority claimed: (the date water was first applied to beneficial use) June 10, 1939, _____

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
SE 1/4 NE 1/4, Sec. 13 Twp. S. 15 Rge. E. 24 B. M. County of Cassia
Additional points of diversion:

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. earth dam 15 ft. long, 4 ft. wide
with a ditch used to divert the water

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

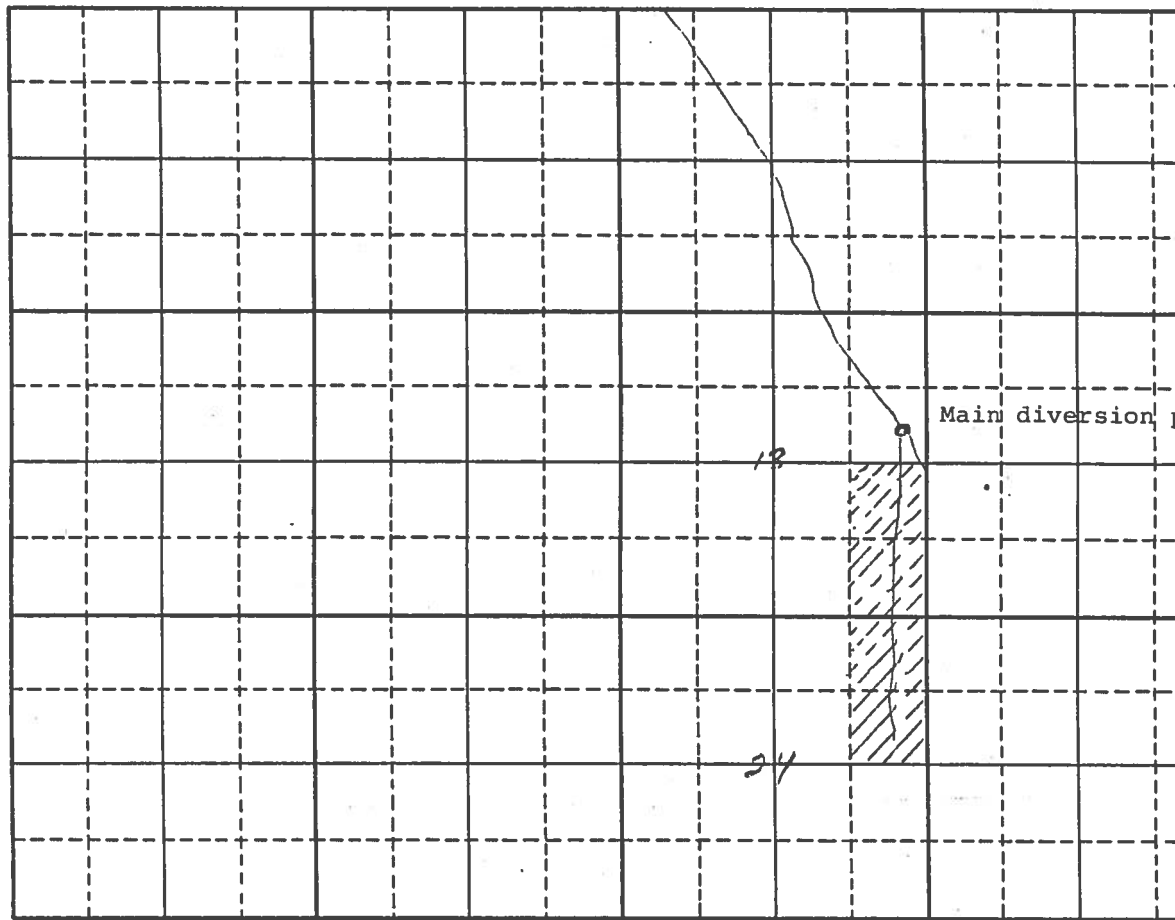
[illegible]

Total No. of acres 160

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: _____

- (7) If you are claiming water as a member of an organization, list name of organization: _____

(8) Remarks The irrigated portions of Section 13 and Section 24, Township 15, Range 24 E BM are cross-hatched. Points of diversion are marked with red ink. (Township is South, Range is East)



Scale: 2 Inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Cassia) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

Robert W. Ward
(Claimant)

Sworn to before me this 1 day of November, 19 76.

MAURICE S. BURLEY
Notary Public
Residing at Burley

My commission expires _____

For Department Use Only

Received by <u>AB</u>	Date <u>4/2/77</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>AB</u>	Date <u>4-26-77</u>		claimant by:	
\$10.00 fee received by <u>AB</u>	Date <u>4/25/77</u>	# <u>3453</u>		
Approved for publication by <u>ADM</u>				
Published in <u>South Id. Press</u>				
Dates <u>5/10 & 5/19/77</u>				



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

January 19, 1978

Mr. Norman Nelson
Attorney at Law
P. O. Box 249
Burley, Idaho 83318

Re: Claim to a Water Right No. 43-4068 - Robert W. Ward

Dear Mr. Mr. Nelson:

We are in receipt of your exception to a Claim to a Water Right filed by . The following excerpt from Section 42-225b of the Idaho Code explains what has been done and what will be done in regards to the exception you have filed.

Section. 42-225b. Recording of Claims by Department ---Corrections---

At any time after the filing of a claim under the previous section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the Department the same as the original and for which no additional filing fee shall be required.

Only the authority to take the above action has been delegated by the Idaho Legislature and we are not authorized to hold hearings or evaluate for confirmation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Sincerely,

Michael L. Steele
Southern Region Supervisor

MLS:dj



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301
(208) 734-3578

January 19, 1978

Mr. Robert W. Ward

Dear Mr. Ward:

We are enclosing a copy of an affidavit in Opposition to your claim to a water right, submitted by Norman Nelson in behalf of Jack Erickson. The following is a quote from the provisions under which this claim has been filed (section 42-225b, of the Idaho Code):

42-225b. Recording of claims by Department ---Corrections-----

At any time after filing a claim under the provisions of this section, any person who disagrees that a right has been established as set forth in said claim may file an exception thereto in duplicate, in affidavit form, accompanied by such proof as said person deems appropriate. An exception filed shall be made a part of the file of the claim in the Department of Water Resources and shall be considered the same as other evidence in said file. A copy of an exception filed shall be forwarded to the claimant by the Department of Water Resources. Such claims may be corrected by the claimant only by filing of an amended claim in the same form as the original which shall be recorded and numbered by the Department the same as the original and for which no additional filing fee shall be required.

Only the above action has been contemplated by the Idaho Legislature and we are not authorized to hold hearing or evaluate for confirmation or final censorship of the described rights.

If you have any questions regarding this matter, please contact us.

Sincerely,

Michael L. Steele
Southern Region Supervisor

MLS:dj

NIELSON & BEDKE
ATTORNEYS AND COUNSELORS AT LAW
P. O. BOX 249
1734 OVERLAND AVENUE
BURLEY, IDAHO 83318

NORMAN H. NIELSON
HERMAN E. BEDKE

January 5, 1978

RECEIVED
Department AREA CODE 208
TELEPHONE 678-5574
Scrub

Mr. Michael L. Steele
Southern Region Supervisor
State of Idaho, Dept. of Water Resources
1041 Blue Lakes Blvd. North
Twin Falls, Idaho 83301

Re: # 43-4068
Robert W. Ward, Elba, Idaho

Dear Mr. Steele:

Enclosed you will find the affidavit in protest of the
following claim of water right:

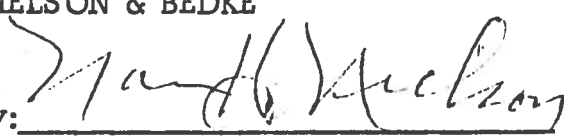
43-4068

This protest is being filed by Jack Erickson on the grounds
and for the reasons set out in the affidavit of protest.

If you have any questions in regard to this matter, please
let us know.

Very truly yours,

NIELSON & BEDKE

By: 

Norman H. Nielson

NHN:dk

NIELSON & BEDKE
ATTORNEYS AT LAW
P. O. BOX 249
BURLEY, IDAHO 83318
TELEPHONE: (208) 678-5574

AFFIDAVIT IN PROTEST

In the Matter of:

Claim of Water Right# 43-4068

Filed by: Robert W. Ward, Elba, Idaho 83326

STATE OF IDAHO)
) ss
County of Cassia)

Jack Erickson, being first duly sworn, deposes and says:

That he is the owner of the following described property to-wit:

SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 1
NW $\frac{1}{4}$, S $\frac{1}{2}$ of the NE $\frac{1}{4}$, N $\frac{1}{2}$ of the S $\frac{1}{2}$ of Section 2,
NE $\frac{1}{4}$ of Section 3 all in Township 15 South, Range
24, E.B.M.

Does hereby protest claim to a water right # 43-4068 filed by
Robert W. Ward of Elba, Idaho 83326.

This affiant objects to said claim of water right for the reasons:

- a) That the source of Tater Creek commences just below the lands of this affiant and the water that runs into Tater Creek at this point comes from the lands of this affiant.
- b) The only water that runs into Tater Creek at this point comes from flood waters which have crossed the lands of this affiant.
- c) Waters which are the source of Tater Creek is water which has been used by this affiant under his water rights to irrigate his own land and then run off this affiant's land into Tater Creek
- d) Source of Tater Creek is water which may arise through percolation on the lands of this affiant.

That this affiant's claim to water rights which are the source of Tater Creek are superior in time and place to the rights applied for under the aforementioned claim and are attaching affidavits to show this affiant's priorities to this affidavit of protest.

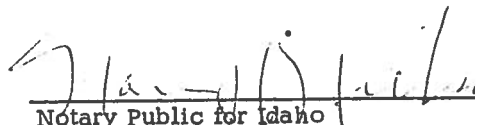
Jack Erickson
Jack Erickson

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STATE OF IDAHO)
) ss
County of Cassia)

On this 3 day of January, 1978, before me, the undersigned,
a Notary Public in and for said State, personally appeared, JACK ERICKSON
known to me to be the person whose name is subscribed to the above and fo
going instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed
my official seal the day and year first above written.



Notary Public for Idaho
Residing: Burley, Idaho

NIELSON & BEDKE
ATTORNEYS AT LAW
P. O. Box 249
BURLEY, IDAHO 83318
TELEPHONE: (208) 678-8574

Water Right Number - 43-04019

Prefix Translation: WATER RIGHT

Old (D) Number -

*** C - CURRENT OWNER ***
WARD

ROBERT W.

1 -
2 -
3 -
City- ELBA
Phone -

State- ID Zip-

Priority Date - 04/30/1910

Region - 17 SOUTHERN

Stage - S - STATUTORY CLAIM

Status -

Source - WASTE WATER

Tributary -

Twn	Rng	Sec	Tract	Lot	Rflg	County	Point of Diversion	Diversion Name	Diversion Rate	Diversion No.
15S	25E	24	SE NE NE SE	04241	(31)	CASSIA	(31) CASSIA			

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION		04/15	07/01		4.000	

Total Div. Rate - 4.000 + Total Div. Volume - 4.000 + Total Div. Capacity - 0.0 + Total Consumptive Use - 0.0 + KW Usage -

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
15S	25E	19	SW NW		7.0	IRRIGATION	01	IRRIGATION	(31) CASSIA
15S	25E	19	SW SW		19.0	IRRIGATION	01	IRRIGATION	(31) CASSIA
15S	25E	24	SE NE		35.0	IRRIGATION	01	IRRIGATION	(31) CASSIA
15S	25E	24	NE SE		20.0	IRRIGATION	01	IRRIGATION	(31) CASSIA
15S	25E	24	SE SE		18.0	IRRIGATION	01	IRRIGATION	(31) CASSIA

Total Acres: 99.0

- - - - - Diversion Means -

- - - - - Non-Irrigation Use -

- - - - - Other Rights for Same Use -

- - - - - Remarks -

GEN 3 P/D'S.

- - - - - Old Water Right Numbers -
- - - - - No Old Water Right Numbers found.

*No claim
covered under
04241
for acres*

STAT 04019 WASTE WATER

04/22/99 15:43:22
Page 2

WATER RIGHT

- - - Conditions of Approval - - -
No Conditions of Approval found.

+ - Decree Date - +

- - -Comments- - -
No Comments Found

CONVERT

Water Rights Dates and Flags Area

Proof Due Date	-	00/00/0000	Field Exam Made	-	00/00/0000	Field Exam Fee	-
Approved/Denied	-	00/00/0000	Protested Date	-	00/00/0000	Shan Falls	-
Proof Made Date	-	00/00/0000	Hearing Date	-	00/00/0000	Temporary Right	- P
Exam to S.O. Date	-	00/00/0000	Verified Date	-	06/18/1985	DLE/Carey Act	-
Order Show Cause	-	00/00/0000	Receipt Number	-		Water District	-
Licensed Date	-	00/00/0000	Appt Received	-	00/00/0000	Transfer/Amended	-
Presumption Flag	-		Name Connector	-		POU Ownership Flag	-
SRBA Decreased Flag	-						

Proof Due Date	-	00/00/0000	Field Exam Made	-	00/00/0000	Field Exam Fee	-
Approved/Denied	-	00/00/0000	Protested Date	-	00/00/0000	Shan Falls	-
Proof Made Date	-	00/00/0000	Hearing Date	-	00/00/0000	Temporary Right	- P
Exam to S.O. Date	-	00/00/0000	Verified Date	-	06/18/1985	DLE/Carey Act	-
Order Show Cause	-	00/00/0000	Receipt Number	-		Water District	-
Licensed Date	-	00/00/0000	Appt Received	-	00/00/0000	Transfer/Amended	-
Presumption Flag	-		Name Connector	-		POU Ownership Flag	-
SRBA Decreased Flag	-						

Identification No. 434017
Claim No. 434017
Map No.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
CLAIM TO A WATER RIGHT
Established by Diversion and Application to Beneficial Use

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. The filing of this claim does not confirm the water right but will serve for information purposes only. It may, however, become the basis for future adjudication of the water right by the Court.

(Please refer to the instructions on the back of this form)

1. Name of claimant Robert W. Ward
Post office address Elba Idaho
2. ^{1st} point of diversion is in S.E. $\frac{1}{4}$ of N.E. $\frac{1}{4}$ Section 24 Township 15 S Range 25 E B.M. located on water from Ranch to West
also 2 additional diversion points in N.E. $\frac{1}{4}$ of 150th Sec 34 Twp 15 R 25
tributary to water from in Cassia County.

3. Dates of priority claimed. list the priority for each separate quantity that you claim. Priority dates should be based upon the earliest diversion of the water which has resulted in continued beneficial use since that time. If there has been an interval of five years or greater when the water was not beneficially used for the same purpose as originally appropriated, the priority that you claim should date from the time that the water was again beneficially applied following the period of non-use.

a. Date of priority claimed:

30 April 1910 amount: 4 c.f.s. or 200 inches
amount: _____ c.f.s. or _____ acre feet
amount: _____ c.f.s. or _____ acre feet
Total claimed 4 c.f.s. or 200 inches

- b. Explain the purpose for which the water has been used and the time during the year when you have used the right claimed

use 100 inches period of use from 15 April to 15 May (both dates inclusive)
additional use 100 inches period of use from 15 May to 1 July (both dates inclusive)
use Irrigation period of use from _____ to _____ (both dates inclusive)
use Irrigation period of use from _____ to _____ (both dates inclusive)

4. Description of diverting works:

a. Surface water diversion dam and/or headgate: material is composed of Earth
length is 20 feet; height is 5 feet;
width at bottom is 10 feet; width at top is 4 feet; explain any increase in diversion capacity, since structure was first built, giving dates and estimated capacities if known

There are 3 diversion points, and each one is capable of turning out 200 inches of water, depending on which side of the place the water is taken. The 3 points of diversion are the same as when I acquired the place.

Underground water diverting works is well flowing or pumped _____; depth of well is _____ feet; diameter of well is _____ inches; type of pump is None
capacity of pump is _____ g.p.m. name and address of well driller is _____

attach well logs if available; has there been any change in pump or motor since well was first completed
if so, give dates and explain

c. Conveying works: length of ditch to place of use is _____ feet; width of ditch at top is _____ feet;
width of bottom of ditch is _____ feet; depth of water is _____ feet; grade of ditch per 1000
feet is _____ feet; material through which ditch passes is _____;
maximum length of pipe line to first place of use is _____ feet; diameter of pipe line is _____ inches;
type of pipe _____; grade of pipe per 1000 feet _____.
Please explain any changes or increase in size of conveying system since water was first appropriated, giving
date and dimensions if possible.

d. If water is stored: name of reservoir 2nd
total capacity of reservoir is _____ acre feet; active capacity of reservoir is _____ acre feet;
year construction commenced _____; year completed _____; date first used _____
period of storage is from _____ to _____; is reservoir drained each year _____;
is reservoir on or off stream _____ explain _____

if feeder canal is used give maximum carrying capacity _____ c.f.s.; if reservoir is off stream, describe
location of reservoir by 40-acre subdivisions _____

has there been any enlargement of the reservoir since it was first built _____; if so, give dates and
describe _____

5. a. Where water is used for irrigation, describe area irrigated by 40-acre subdivisions and give total acres.

TWP	RANGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
15	25	24				35													
15	25	19						7				19			20			18	73
																			26

Total number of acres to be irrigated 99

Explain any significant increase in area irrigated since first use, give dates and acreages if known since 1939
when my father purchased this place to now, the amount
of acres irrigated have remained the same, prior to
that time is was probably a few less acres, but I can not
give any more dates.

b. Do you get water through a ditch owned by several users? no If yes, give the name of the ditch
The other users and their respective
interests in the ditch are (if known) _____

6. Where water is used for stock watering, give number of each kind of stock watered no

7. Where water is used for domestic or municipal purposes give number of families served none
name of town supplied _____

8. Where water is used for other purposes not above enumerated, give the nature of use, the extent of use,
and any details regarding the initiation of the right or subsequent later expansion. Be as specific as possible,
giving dates and quantities none

9. Remarks: please explain any details of your claim which you feel need clarification or additional explanation

I am claiming a Right to waste water from Ranches
that are to the west and above my place. There are
3 diversion points where I pick up the waste water
and put it out on my land and put it to beneficial use.
It is difficult to give any exact measurements but each of the
5 diversions are capable of handling 200 inches of water.
The irrigation system is constructed in such a way, that
as any time water should come it will go out on the land.
Only all the same and believe me the same once that
have been used in the place since 1912 when the
ground was filed on, they are constructed of earth.
There also might be a flush of water come in
late fall or early spring due to heavy rain or snow,
and this water is also turned out and utilized.

BE IT KNOWN that the undersigned hereby makes claim to a water right as described above together with
all attached information and certifies that all statements are true and accurate to the best of his knowledge.

8 Jan 70
(Date)

State of Idaho

County of Cassia ss.

On this 8th day of January 19 70, personally appeared before me the signer(s) of the
above instrument, who duly acknowledged to me that he (she) (they) executed the same.

Robert W. Ward
(Signature of Claimant)

Notary Public residing at Albion, Idaho

My commission expires June 10, 1971

2-3-70 For Department Use Only

Received by D Date 2-2-70

Exception filed by:

Forwarded to
claimant by

Date

Received by D Date 2-2-70

Received by D Date 2-3-70 Feb 5 1970

Approved for publication by

Published in South Idaho Dates 2-19-26-70

Lloyd and

Sylvia P Knight

3-21-70

IN THE MATTER OF:

The use of Water

on the Robert Ward

Ranch for irrigation

AFFIDAVIT

State of Idaho

County of Cassia Jan. 7- 70

Department of Agriculture

Robert W. Ward age 37 reside in Cassia Co.

being first duly sworn,

deposes and says: I am familiar with the property and the water that is used for irrigation purposes, since 1958, that being the year that I purchased the property and built a house on it and begin living on the property.

When I took over the ranch, the dams in the channels going down through the place were already in and sufficient ditches were already made to put any water that come down, from the ranches to the West and put the water out on the hay ground. The amount of water varied all the time, but when there was water generally the ditches were full, and I would be using from 300 to 300 inches of water, and on different areas of the place depending on which side of the place there was water or which channel it was coming down. I would always tend it almost daily to try and keep the high spots wet and to get all the meadow wet, and also utilize the water while I had it.

All of the diversion dams are constructed of earth, and the ditches are the same, and are sufficient to utilize the water that comes. Since I have lived here I have improved some of the dams and ditches, as did also my father who owned the property ahead of me.

Robert W. Ward
(signature)

Subscribed and sworn to before me this 5th day of January 1970

(Notary Public)

Residing at Albion, Idaho
My commission expires June 10, 1971.

IN THE MATTER OF:

Use of Water on

the Robert Ward

Ranch for Irrigation

AFFIDAVIT

State of Idaho
County of Cassia January }, 1970

Wesley B. Ward age 69

being first duly sworn,

deposes and says: I purchased the Tom Edwards place in June of 1939. (Deed dated June 9, 1939) I personally irrigated the lands with water that come to it from the Jones, Durfee, Tracy and Cahoon Lands lying West and North of the Tom Edwards place, which is more particularly described as East $\frac{1}{2}$ of N.E. $\frac{1}{4}$ and E $\frac{1}{2}$ Sec. 2, T. 15 N. 24 E. S. 1. I personally used the above mentioned water and irrigated these lands, in a system of ditches which was on the place when I purchased it in 1939. Presumably these ditches were made by Thomas Edwards who filed on this land about April 31, 1910.

The amount of water available varied from year to year, but generally I had the ditches pretty well filled, using approximately 200 to 300 inches in different places. I kept the ditches regulated so that the water was well spread when ever it came. Tom Edwards filed on this land in 1910, and established these ditches and used this water from that time on.

I sold this property to my son Robert W. Ward in 1958. He built a house on it at that time and has lived there and irrigated the land since 1958.

(signature)

Subscribed and sworn to before me this 8 day of January 19 70.

(Notary Public)

Residing at
My commission expires 8/5/71

IN THE MATTER OF:

The use of water on
the Robert Ward Ranch,
for irrigation.

AFFIDAVIT

State of Idaho
County of Cassia Jan. 1, 1970

I Rex L. Edwards are 52 years

being first duly sworn,

deposes and says: I lived on the property described in this claim, so
I am familiar with the water and how it is used on the property. I moved onto
the place in March of 1938, and did the irrigating during that summer and the
summer of 1959, and during these two years that I lived there we had ample
water to irrigate all of the hay ground and cut the hay on the meadows that
had been irrigated. My uncle owned the ranch in 38 when it was purchased
by Wesley Ward in 1939. My uncle had owned the property since it was taken up
and filed on in 1916, and he had put dams in the channels and had established
ditches to carry the water out on to the land. He had the system fixed so that
when ever any water come down it would turn out and be used. I did have to tend
and move the water to get all of the ground wet, and fully utilize the water.
My uncle started working on the irrigation system when he first took the
land in 1910, and my father also helped him with some of the ditch building
to get the water out on the ground.

Rex L. Edwards
(signature)

Subscribed and sworn to before me this 8 day of January 1970

Joseph S. Miller
(Notary Public)

Residing at Idaho
My commission expires 1-10-70

PROTEST ON APPLICATION NO. 43-4014

Applicant: Robert W. Ward

COMES NOW, Floyd Knight and Sylvia P. Knight, husband and wife, residents of Elba, Cassia County, Idaho, and

HEREBY FILE THEIR PROTEST against the granting of the water claimed by Robert W. Ward of Elba, Cassia County, Idaho, as published in the South Idaho Press commencing February 19, 1970, and as a basis for protest represent:

I

That Floyd Knight and Sylvia P. Knight have an interest in or are the owners of the following described property to wit:

The West Half of the Southwest Quarter of Section Twenty-nine; The East Half of the Southeast Quarter of Section Thirty; The Southeast Quarter of the Northwest Quarter, the Southwest Quarter of the Northeast Quarter, the North Half of the Northwest Quarter, the Southwest Quarter of the Northwest Quarter, the Northwest Quarter of the Southeast Quarter, the North Half of the Southwest Quarter and the Southwest Quarter of the Southwest Quarter; All in Township Fifteen South, Range Twenty-five East of the Boise Meridian,

which said lands have a priority to the water which Robert W. Ward is making a claim to as the water was first used on the lands of the protestants before it was used on the lands of the claimant, Robert W. Ward.

II

That at least one of the areas that the claimant is requesting a point of diversion is in error and that no water has been applied for beneficial use for the diversion point which is in error.

III

That the claimant has not set up in his claim what creek, tributary, draw or coulee that this water is being taken from and said application is not intelligible.

IV

That these protestants are filing this protest to protect their long established right to said water and for a determination of respective water rights, the points of diversion where water is rising and they

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request that before any action is taken by the State Reclamation Engineer that a hearing be held and that those protestants be present at such hearing and their protest that they are filing herewith be considered.

DATED this 18 day of March, 1970.


Floyd Knight, Elba, Idaho


Sylvia P. Knight, Elba, Idaho

